

REFERENCE TITLE: military flags; homeowners' associations

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1111

Introduced by
Senators Blendu, Bee, Gray, Harper, Huppenthal, Martin, Waring;
Representative Nelson: Senators Bennett, Burns, Flake, Gould, Johnson,
Leff, Tibshraeny, Verschoor

AN ACT

AMENDING SECTIONS 33-1261 AND 33-1808, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1261, Arizona Revised Statutes, is amended to
3 read:

4 33-1261. American and military flag display: applicability

5 A. Notwithstanding any provision in the condominium documents, an
6 association shall not prohibit the outdoor display of the American flag **OR AN**
OFFICIAL OR REPLICA OF AN OFFICIAL FLAG OF THE UNITED STATES ARMY, NAVY, AIR
FORCE, MARINE CORPS OR COAST GUARD by a unit owner on that unit owner's
9 property if the American flag **OR MILITARY FLAG** is displayed in a manner
10 consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United
11 States Code sections 4 through 10). The association shall adopt reasonable
12 rules and regulations regarding the placement and manner of display of the
13 American flag **OR THE MILITARY FLAG**. The association rules may regulate the
14 location and size of flagpoles but shall not prohibit the installation of a
15 flagpole.

16 B. This section does not apply to timeshare plans or associations that
17 are subject to chapter 20 of this title.

18 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:

19 33-1808. American and military flag display; political signs

20 Notwithstanding any provision in the community documents, an
21 association shall not prohibit any of the following:

22 1. The outdoor display of the American flag **OR AN OFFICIAL OR REPLICA**
OF AN OFFICIAL FLAG OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS
OR COAST GUARD by an association member on that member's property if the
25 American flag **OR MILITARY FLAG** is displayed in a manner consistent with the
federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4
27 through 10). The association shall adopt reasonable rules and regulations
28 regarding the placement and manner of display of the American flag **OR THE**
29 **MILITARY FLAG**. The association rules may regulate the location and size of
30 flagpoles but shall not prohibit the installation of a flagpole.

31 2. The indoor or outdoor display of a political sign by an association
32 member on that member's property, except that an association may prohibit the
33 display of political signs earlier than forty-five days before the day of an
34 election and later than seven days after an election day. An association may
35 regulate the size and number of political signs that may be placed on a
36 member's property if the association's regulation is no more restrictive than
37 any applicable city, town or county ordinance that regulates the size and
38 number of political signs on residential property. If the city, town or
39 county in which the property is located does not regulate the size and number
40 of political signs on residential property, the association shall permit at
41 least one political sign with the maximum dimensions of twenty-four inches by
42 twenty-four inches on a member's property. For the purposes of this
43 paragraph, "political sign" means a sign that attempts to influence the
44 outcome of an election, including supporting or opposing the recall of a
45 public officer or supporting or opposing the circulation of a petition for a
46 ballot measure, question or proposition or the recall of a public officer.